THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3456 of 2007

Between:

Bro. R.Devasahayam.

.. PETITIONER

and

The Circle Inspector of Police,
Chikkadpally Police Station and others.

..
RESPONDENTS

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ORDER:

It is the case of the petitioner that basing on the private complaint

filed on the file of XVII Metropolitan Magistrate, Nampally at Hyderabad, under Section 190 read with Section 156(3) Cr.P.C., making certain allegations against one Bro.G.T.Benjamin and one Bro.Paul Sudhakar that they have committed cognizable offences punishable under Sections 357, 384 and 468 IPC, initially a case in Cr.No.309 of 2004 was registered by the Musheerabad police station and thereafter, it was transferred to the Chikkadpally police station and the same was renumbered as a case in Cr.No.570 of 2004.

It is the case of the petitioner that in the said case nine witnesses were examined. But, however, the petitioner came to know that the respondents are intending to close the said case stating that it is civil in nature. It is stated that he being an old person without examining him under Section 164 Cr.P.C., the police cannot file a final report in the said case.

The only grievance of the petitioner is that he is apprehending that the respondents are decided to close the case.

Even, if the police file a report stating that the said case is of civil in nature, it is open for the petitioner to file a protest application or a fresh private complaint under Section 200 read with Section 190 Cr.P.C. before the concerned Magistrate for taking appropriate action.

In view of the aforesaid remedy available, I am not inclined to express any opinion on the merits of the case.

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

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23-02-2007

Prv